



# ESEA Information Update

Wisconsin Department of Public Instruction/Elizabeth Burmaster, State Superintendent, P.O. Box 7841/Madison, WI 53707-7841

Bulletin No. 03.06

September 22, 2003

## Topic: Homeless Education

### Identification of Children and Youth in Homeless Situations

Title X of the No Child Left Behind (NCLB) Act

...sets out educational rights and responsibilities to children and youth who are experiencing homelessness. Each state and local educational agency shall ensure that each child of a homeless individual and each homeless youth have equal access to the same free, appropriate public education, including a public preschool education, provided to other children and youth. Further, homeless children and youth shall have access to the education and other services needed to ensure that they have an opportunity to meet the same challenging state student academic achievement standards to which all students are held.

Under this act, each school district is required to designate an appropriate staff person as the district's homeless liaison. The homeless liaison's responsibilities are to help identify, immediately enroll, and ensure that homeless students receive the same educational services as other students receive.

#### Confidential Information

A student's status of "homeless" must be kept confidential. This is true even if willingness to accept certain services to homeless students may inadvertently identify them as homeless. The dignity and privacy rights of homeless families, their children, and unaccompanied youth must be respected.

The department suggests that either the district homeless liaison, or staff members knowledgeable about McKinney-Vento Act requirements, enroll and discuss educational program options with homeless parents/guardians or unaccompanied youth. In enrollment interviews with families or unaccompanied youth who may be homeless or at the time of identification, emphasis should be placed on the services available to students who are eligible under the McKinney-Vento Homeless Assistance Act. It is advisable for districts to maintain records supporting compliance with the act. It should also be noted that U.S. citizenship is not a requirement for public school education. (See *Plyler v. Doe* [457 U.S. 202 (1982)].) For additional information on education rights found in the *Plyler v. Doe* ruling, see <http://www.ncasboston.org/SOA/alert.htm>.

#### Identification

Some families and unaccompanied youth do not want to be identified as being homeless, even if this means they will not receive services available under the McKinney-Vento act. Do not record a student as being "homeless" if the parent/guardian or unaccompanied youth refuses

educational services. School personnel should comply with the wishes of homeless individuals who want their homeless status kept confidential and who choose not to participate in the district's homeless services. (See *Indicators and Strategies for the Identification of Homeless Children and Youth* on the department's homeless program webpage at <http://www.dpi.state.wi.us/homeless/ehcynew.html>.)

To obtain referral information, the homeless liaison and school staff should develop a cooperative relationship with community agencies that work with both youth and homeless individuals and families. Such organizations may include homeless and domestic abuse shelters, community food programs, local hotels and motels, Boys and Girls Clubs, law enforcement agencies, etc. Districts may need to develop or use an existing release of information or agreement form to allow community agencies to refer homeless families with school-age children and youth and to allow school staff to refer these students and families to community services.

Districts should consider including contact information about homeless liaison on district websites and in school publications. School secretaries and receptionists should be aware of contact information for the homeless liaison.

### **Mandatory Reporting of Unaccompanied Youth Under Age 18**

The McKinney-Vento Homeless Assistance Act defines unaccompanied youth as “youth not in the physical custody of a parent or guardian.” The McKinney-Vento act requires school districts to immediately enroll unaccompanied students and provide the same opportunity to participate in all educational programs that nonhomeless students have. The Wisconsin Constitution guarantees all children and youth under the age of 21 the right to a free public K-12 education.

Section 118.75, Wis. Stats. requires mandatory reports of unaccompanied youth under 18 years of age:

If a pupil is a child who is without a parent or guardian, any school teacher, school administrator, school counselor or school social worker who knows that a child is without a parent or guardian shall report that fact as soon as possible to the county department under s. 46.22 or 46.23 or, in a county having a population of 500,000 or more, to the department of health and family services.

A youth under 18 years of age is considered a minor. District homeless liaisons or other school staff need to keep the above mandatory reporting requirement in mind before discussing shelter arrangements with homeless students.

### **Strategies for Assisting Homeless Children and Youth**

Different homeless situations may require different strategies to assist a homeless family, children, and youth, and decisions should be made on a case-by-case basis. School staff may find two general types of situations regarding homeless families: (1) the family who is suddenly, recently, and temporarily homeless, and (2) the frequently mobile homeless family, whose children have attended several schools in one or more districts.

#### **Temporarily Homeless**

Students from a temporarily homeless family (e.g., house fire or other disaster) may or may not be eligible for assistance under the McKinney-Vento Homeless Assistance Act. Economic factors and the permanence of the living arrangement are considerations in determining if the homeless children and youth meet the criteria for services under the McKinney-Vento act. Each homeless liaison, using guidance from the McKinney-Vento act, will ensure that eligible children and youth are appropriately identified.

**Frequently Homeless**

The child or youth who has experienced chronic homelessness will often present greater needs, including school-related problems, such as frequent absences, poor academic performance, poor hygiene, low socialization skills, and disciplinary problems. Because of high mobility, the homeless child or youth may not have developed a sense of belonging in any school setting and may lack self-esteem and self-discipline. Chronic homeless situations can be more challenging for everyone.

The key issue for school staff in supporting homeless children and youth experiencing high mobility is to help them develop as many coping skills as possible, with the realization by district or school staff that they may be in the school for a short period of time. The district will need to focus on academic achievement, attendance, socialization, hygiene, and many other issues to assist highly mobile homeless students.

**Decisions about School Records and Privacy Rights**

The McKinney-Vento Homeless Assistance act authorizes the U.S. Department of Education to periodically collect data on services provided to homeless students. Maintaining records on the number of homeless students identified and served could also protect districts from allegations of discrimination. Each district must have a policy on the retention and sharing of homeless pupil records consistent with state and federal laws. If a district believes a student should be designated as homeless, the department recommends this designation be entered into a pupil's behavioral records, since it is not a progress record and not otherwise specifically defined in state law 118.125(1)(a). In addition, records so designated may be retained for no more than one year after the pupil ceases to be enrolled (s. 188.25(1)(a) and (3), Wis. Stats.). Placing the designation of "homeless" in the behavioral section of pupil records will help ensure privacy of information for homeless students.

**Directory Information**

The homeless liaison and other district staff also may wish to be proactive in informing the parents/guardians of homeless students and unaccompanied youth over 18 that directory data can remain private if the parent/guardian or unaccompanied youth requests so in writing (s. 118.125 (2)(j)(2), Wis. Stats.). Maintaining privacy of directory information may be essential for safety reasons, particularly for homeless families and unaccompanied youth over 18 who are in domestic abuse or runaway situations. (For additional information, see *Schools Working with Domestic Violence Agencies and Homeless Students*, which will be posted on the department's homeless webpage at <http://www.dpi.state.wi.us/homeless/ehcynew.html> when it becomes available.)

**District Records**

A school district can choose any of the following or develop their own unique system to keep homeless pupil records:

1. homeless pupil records are kept in each school with limited staff access.
2. homeless pupil records are kept in a locked cabinet in the homeless liaison's office.
3. a flagging system is developed for use on pupil records, with specific staff having access to the code for homeless students.

Under s. 118.125, Wis. Stats., all pupil records are confidential unless specifically exempted by statute or through a court order and are defined as:

(1)(d)...all records relating to individual pupils maintained by a school but does not include notes or records maintained for personal use by a teacher or other person who is required by the

state superintendent under s. 115.28(7) to hold a certificate, license or permit if such records and notes are not available to others, nor does it include records necessary for, and available only to persons involved in, the psychological treatment of a pupil.

School districts also are required to follow pupil record privacy requirements under the Family Educational Rights and Privacy Act (FERPA) of 1974, 20 USC 1232g, 34 CFR 99.

**Records of Mobile Students**

School records are of special concern for the homeless family, child, or youth. District staff should provide more detailed information in the school records of highly mobile students to allow future teachers to better determine academic and course enrollment options. School districts should plan and execute a system for forwarding complete records of highly mobile students to new schools or districts. School staff should be able to access and forward pupil records within **five** working days, as required by s. 118.125, Wis. Stats.

Specific questions related to this bulletin should be directed to:

Mary Maronek  
Coordinator, Education for Homeless Children and Youth (EHCY) Program  
608-261-6322  
[mary.maronek@dpi.state.wi.us](mailto:mary.maronek@dpi.state.wi.us)

Susan Spahn  
Program Assistant, Education for Homeless Children and Youth (EHCY) Program  
608-267-1284  
[susan.spahn@dpi.state.wi.us](mailto:susan.spahn@dpi.state.wi.us)